



# ***CITY OF FULSHEAR***

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441  
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## **FULSHEAR CITY COUNCIL MINUTES December 13, 2010**

### **I. CALL TO ORDER**

A special meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 6:03 p.m. Monday, December 13, 2010 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

### **II. QUORUM**

A quorum was present.

#### **MEMBERS PRESENT**

Thomas C. Kuykendall, Mayor  
  
Larry Beustring  
J. B. Collins, Mayor Pro-Tem  
Laverne Patterson  
Jeff Roberts

#### **STAFF PRESENT**

Chris Nichols, Asst. City Attorney  
Kristina Brashear, Finance Director  
D. Gordon Offord, City Secretary  
C.J. Snipes, City Administrator  
Scott Head, Police Chief

#### **MEMBERS ABSENT**

Stephen Gill

#### **OTHERS PRESENT**

Russ Cosbey  
Jo Ann Cosbey  
And 5-6 others who did not sign in

### **III. PUBLIC HEARING**

#### **A. PUBLIC HEARING ON ANNEXATION AND PRELIMINARY SERVICE PLAN**

**The City of Fulshear, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of the City of Fulshear to include the following tracts of land located in the extraterritorial jurisdiction of the City of Fulshear, Fort Bend County, Texas and situated at the northwest corner of F.M. 1093 and F.M. 1463**



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(1) 47.748 Acres of Land being all of a 5.000 Acre Tract of Land (Fort Bend County Clerk's File No. 1999031332), being a portion of a 138.005 Acre Tract of Land (Fort Bend County Clerk's File No. 2001005402), being a portion of a 108.505 Acre Tract of Land (Fort Bend County Clerk's File No. 2002088346) and being a portion of a 14.200 Acre Tract of Land (Fort Bend County Clerk's File No. 2002116850) all being portions of a called 290.798 Acre Tract of Land (Volume 1912, Page 1944; Official Records of Fort Bend County, Texas) being in the R. H. Kuykendahl Survey, Abstract No. 274, in the J. C. McDonald Survey, Abstract No. 290 and in the T. W. Sutherland Survey, Abstract No. 421, Fort Bend County, Texas; and

(2) 22.962 Acres of Land being a portion of a 138.005 Acre Tract of Land (Fort Bend County Clerk's File No. 2001005402) being a portion of a called 151.00 Acre Tract of Land (Fort Bend County Clerk's File No. 9682322 being a portion of a called 290.798 Acre Tract (Volume 1912, Page 1944; Official Records of Fort Bend County, Texas) being in the J. C. McDonald Survey, Abstract No. 290, Fort Bend County, Texas.

Notice is hereby given to all interested persons that the City Council of the City of Fulshear, Texas will conduct a public hearing on Monday, December 13, 2010 at 6:00 p.m. in the Fulshear City Hall, 30603 FM 1093 Rd, Fulshear, Texas 77441.

Any person may attend and may participate in the hearing. All persons desiring to attend the public hearing may view the City Council's agenda to confirm the scheduling of the hearing or contact City Hall, P. O. Box 279, 30603 FM 1093 Rd., Fulshear, Texas 77441

Public Hearing was opened at 6:04 p.m. There were no comments regarding the annexation. Public Hearing was closed at 6:05p.m.

IV. Business

- A. CONSIDER and TAKE ACTION on PROPOSED PRELIMINARY SERVICE PLAN relating to ANNEXATION of a 47.748 and 22.962-ACRE TRACT of LAND in the EXTRATERRITORIAL JURISDICTION of the CITY of FULSHEAR, FORT BEND COUNTY, TEXAS
- B. CONSIDER and TAKE ACTION on RESOLUTION 2010-162 ACKNOWLEDGING the PREPARATION and RECEIPT of the PROPOSED PRELIMINARY SERVICE PLAN REQUIRED



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**PURSUANT to LOCAL GOVERNMENT CODE SECTION 43.056(a) and APPLICABLE to LANDMARK INDUSTRIES DEVELOPMENT, LTD.'S VOLUNTARY PETITION for ANNEXATION of a 47.748 and 22.962-ACRE TRACT of LAND in the EXTRATERRITORIAL JURISDICTION of the CITY of FULSHEAR, FORT BEND COUNTY, TEXAS**

**C. CONSIDER and TAKE ACTION on CHECKS PAID and PAYABLES NOVEMBER 17, 2010 through DECEMBER 13, 2010**

Mayor Kuykendall stated that items Business A and B can be voted together.

A motion was made by Alderman Collins to approve the proposed preliminary service plan relating to annexation of a 47.748 and 22.962 acre tracts in the extraterritorial jurisdiction of the City of Fulshear and Resolution No. 2010-162. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Roberts, and Alderwoman Patterson

Nays: None

Absent: Alderman Gill

A motion was made by Alderman Beustring to approve checks paid and payables. It was seconded by Alderman Roberts. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Roberts, and Alderwoman Patterson

Nays: None

Absent: Alderman Gill

**V. WORKSHOP ITEMS**

**A. DISCUSSION and CONSIDERATION of PORTIONS of REVISED EMPLOYEE HANDBOOK REGARDING PAID TIME OFF for EMPLOYEES**

Mayor Kuykendall requested that the leave policy be reviewed by Council. He stated that C.J. outlined it very well in his memo. Mayor Kuykendall stated that this was a workshop issue and hope that it would bring some clarity to the Personnel Handbook Policy regarding employees paid leave. He stated a few issues have come up over the last few months.

C.J. Snipes stated that a monthly accrual is more feasible for employees earning vacation time instead of at the first of the year a lump sum is drop into the employees account and they may or may not have



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earned the time yet. Also, we had an issue with a police officer and this new policy would outline the steps to be taken with staff having to be off from work.

Alderwoman Patterson stated that vacation time should not be carried over as they do not allow this on her job.

Alderman Roberts stated that a sick leave pool should not be allowed.

C.J. Snipes, City Administrator, stated that this pool would be used for someone with a catastrophic illness. Mayor Kuykendall stated it would not be used for someone who has a cold or flu for the six times this year. The committee would decide if the individual was entitled to sick leave pool- it would not be automatic.

Alderman Roberts states that employees should look at their schedules and plan their time so that vacation time can be used by end of the year. He stated that probably waiting until the end of year to take time off may not be such a good idea.

Kristina Brashear, Finance Director, stated that she has 24 hours left and unfortunately everyone else put in their request before she did.

Alderwoman Patterson stated to allow Ms. Brashear to have her time but next year do something different.

Diana Offord, City Secretary, stated she lost two weeks of vacation time in past so after that she learned to take her time off.

Mayor Kuykendall has suggested a 40-hour carry-over of vacation time each year. He stated this would eliminate some of the problems from the past.

Alderwoman Patterson suggested getting a calendar and everyone putting in the time they want off as vacation time.

Mayor Kuykendall thanked everyone for their comments. Mayor Kuykendall requested that the Council continue to review the policy some more. He stated we want to have a policy that is uniform and ease to interpret and we can apply it to everyone. No action was taken on this item.

## **VI. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE**

### **SECTION 551.071, CONSULTATION with ATTORNEY; SPECIFICALLY SUB-SECTIONS:**

#### **1) WHEN the GOVERNMENTAL BODY SEEKS the ADVICE of its ATTORNEY ABOUT:**



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**(A) PENDING or CONTEMPLATED LITIGATION; or**

**(B) A SETTLEMENT OFFER; or**

**2) ON a MATTER in which the DUTY of the ATTORNEY to the GOVERNMENTAL BODY under the TEXAS DISCIPLINARY RULES of PROFESSIONAL CONDUCT of the STATE BAR of TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

**DISCUSSION of POSSIBLE LEGAL ISSUES RELATED to LCISD PROJECT**

Mayor Kuykendall announced that Council would enter into Executive Session at 6:40 p.m. and quorum was present

**VII. RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED APPROPRIATE**

Mayor Kuykendall announced that Council would reconvene back into regular session at 6:59 p.m. and a quorum was present.

Mayor Kuykendall asked if there was any action to be taken. Alderman Collins announced that there was no action that needed to be taken.

**VIII. ADJOURNMENT**

A motion was made by Alderman Collins to adjourn. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Roberts, and Alderwoman Patterson

Nays: None

Absent: Alderman Gill

Approved: \_\_\_\_\_  
Mayor, Thomas C. Kuykendall, Jr.

Attest: \_\_\_\_\_  
City Secretary, D. (Diana) Gordon Offord